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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,554	04/20/2001	Toshiya Yamada	P107359-00001	8758

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

BOA, DIHYE A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,554

Applicant(s)

YAMADA, TOSHIYA

Examiner

Dihye Boa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/04, 11/29/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the "an" before "image data" is unnecessary, as is the "a" before "position information" in line 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The last paragraph of claim 1 is confused and indefinite. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. The examiner has interpreted the paragraph to recite display of both familiar language and foreign language in the specified regions in accordance with the specified mode.

3. As per claim 2, line 3 has "said font data" even though no "font data" are mentioned previously or in claim 1. The examiner has interpreted that the system already has the font data required to display the other language data.

4. Claim 3 recites the limitations "the first display mode", "the second display mode" and "the third display mode" in the 3rd paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim. The examiner has interpreted the "the" as an "a", and the "or" as an "and".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being anticipated by Sameth *et al.* (U.S. Patent 5,882,202).

As per claim 1, Sameth *et al.* teach:

- A storage system means (memory, Fig 1, element 58) storing
- a first data base (memory, col. 2, line 12) comprised of image data (comic), position information data (col. 8, lines 55-56), related to display positions of a blowoff frame (dialog balloon) and a predetermined commentary display region (col. 2, line 45) and control data (Fig 7, element 156, 158) and for specifying a display mode (control icon) and display language (language, col. 3, line 60) and
- a second data base (memory, col. 2, line 12), line 12) comprised of other language data (foreign language, col. 2, lines 14-15) corresponding to words (several words) and a commentary (phrase) relating it to the blowoff frame (col. 2, line 46), a dialog balloon that includes a phrase of words in the foreign language and predetermined commentary region (display), the speech associated with the phrase. (the translation window, Fig 4B, element 128).

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- an image display processing means (icons, col. 10, lines 40-47) displaying the control, image, and position information data, read from the first data base (col. 2, line 12), and data of one language, read from the second data base (memory, col. 2, line 12); and
- an another-language display processing means (foreign language, Fig 2, element 74) in which, when display mode and the display language are specified by the control data, and the blowoff frame (dialog balloons) or the predetermined commentary display region is specified by the input means, the another-language related to the second data base by the region specification in accordance with the display mode, words or commentaries contained therein can be displayed by various languages (col. 4, lines 44-52).

7. As per claim 2, Sameth *et al.* teach all limitations of claim 1. Sameth *et al.* further teaches where the second data base is capable of using the font data, with respect to a language of a font, which this system possesses (col. 9, lines 46-50), and is formed as image data with respect to a language of a font, which this system does not possess (col. 9, lines 50-54).

8. As per claim 3, Sameth *et al.* teaches where the another-language display processing means includes a processing means in which when the blowoff frame or the commentary display region is specified by an input (col. 4, lines 45-48) at a first display mode the specified another language is displayed in a translation window (col. 5, line 43) of the displayed image (Fig 4B, element 128), at a second display mode the

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specified another language is displayed at an optional position (frame display) of a displayed image (Fig 4A, element 120, 124, 126), and at a third display mode the specified another language is displayed in a blowoff frame or commentary (frame display) display region of a displayed image (Fig 4A, element 136).

9. As per claim 4, the functionality of claims 1-3 is taught by Sameth *et al.* is inherently provided by software programs stored in their computer (Fig 1, element 52).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sameth *et al.* (U.S. Patent 5,882,202).

As per claim 5, here the system of claim 1 is incorporated in a “server device for an information selling system”. Sameth *et al.* does not teach an information selling system comprised of a server device. However, the examiner takes Official Notice that an information selling system with a server device is old and well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put an information selling system on a server device in order to allow multiple

users to access it, and to have such an information selling system to let many people to buy the information.

The remaining limitations of claim 5 are the same or similar to those of claim 1, rejected above, and are therefore rejected for the same reasons.

12. As per claims 6 and 7, they recite the same or similar limitations as claims 2 and 3 respectively, rejected above, and thus are rejected for the same reasons

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kroll *et al.* (U.S. Patent 5,797,011) teaches a Method for controlling the translation of information on a display screen from a source language to a target language).

Iwai *et al.* (U.S. Patent 5,031,121) teaches a System for automatically processing a document including text and associated image information.

Electric Spirit teaches a Japanese instructional interactive manga series, the online comics magazine.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner Dihye Boa, whose telephone number is (703) 305-3498. The examiner can normally be reached on Mon-Fri 8:30am-5: 00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits, can be reached on (703) 306-3011. The facsimile phone number for the Technology Center 2600 is (703) 872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dihye Boa

December 17, 2004


RICHMOND DORNIL
SUPERVISORY PATENT EXAMINER